

# MHR Connections

Published by the Manitoba Human Rights Commission

Volume 8 Number 1

January 2008

## Winnipeg woman responds to African AIDS pandemic

Former Manitoba Human Rights Officer and current Director of Manitoba's Women's Directorate, Jane McBee will be heading to Uganda, South Africa and Swaziland mid

February as part of a select team chosen by the Stephen Lewis Foundation's Grandmothers to Grandmothers Campaign. Ms McBee is one of only 12 Canadian women chosen to represent the campaign on this educational trip touring the agencies and clinics supported by the Stephen Lewis Foundation.

"I am both excited and overwhelmed," says McBee who has the daunting task of trying to raise \$5000 by mid February. All participants on the tour must find their own funding.

The Foundation currently funds grassroots projects in 15 sub-Saharan countries, working to ease the pain of HIV and AIDS in Africa. Since the Grandmothers to Grandmothers campaign was launched in March 2006, nearly 200 groups have formed across Canada. These groups work to raise awareness and funds for the many African grandmothers who bury their own children and then courageously step in and raise their orphaned grandchildren, with little or no resources.

"I want to be positive and focus on the many things that can be done," says McBee. She says that after seeing a notice from a local group supporting the campaign, she went to the Foundation's website. After reading about the Grandmother to Grandmother campaign she decided she wanted to become involved. "The best part of this campaign is that



*"More than twenty-five years into the pandemic, we have an epidemic update that is – let's face it – horrifying in its implications. Whether it's 40 million or 33 million, this plague continues to ravage humankind."*

*Stephen Lewis  
London, November 23, 2007*

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**The Rights Connection**  
by Jerry Woods - Chairperson

### A long journey

The road ahead is looking brighter for disabled persons as a result of three recent decisions, which have resulted in more affordable and accessible travel. All advances however, have been long journeys.

The latest is the Canadian Transportation Agency's ruling ordering airlines not to charge a disabled person, who requires more than one seat because of his or her disability, for the second seat. Six long years after the original complaint was filed, the type of traveling many of us take for granted, like business trips, family vacations or reunions are now possible to many disabled people.

In another recent decision, Lepofsky v. Toronto Transit Commission (TTC), the Human Rights Tribunal of Ontario ordered the TTC begin announcing bus route stops within 30 days. The complaint was heard before an Adjudicator despite the fact that there was a similar ruling by the Tribunal regarding Toronto's subway system two years earlier. The Ontario decision prompted Winnipeg Transit to announce its commendable "Next Stop Policy" on all transit routes, providing additional time for individuals with special needs and/or visual impairments to safely prepare to exit from the bus.

Also, in 2006 The Supreme Court of Canada upheld another Canadian Transportation Agency decision forcing Via Rail to ensure its passenger cars are more wheelchair accessible. The original complaint was filed in 2000.

It is certainly a time to celebrate, but new challenges and frustrations continually arise. Take for example the new touch screen entertainment system on many flights. For those visually impaired travelers, the simple task of touching the screen for recorded music is out of reach. Similarly, the convenience of getting a boarding pass at a kiosk with similar touch screens is elusive, as is going online to book a seat 24 hours prior to a flight. Websites can be daunting for many visually impaired travelers. Not being able to book ahead results in limited choices and often only middle seats are available, a problem for those with guide dogs.

Perhaps it's time the transportation industry consider disabled persons when designing new technology and services. This would ensure that transportation and its associated services are accessible to all, and save everyone from many more years of court battles.

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we listened to what the people in Africa wanted and needed as opposed to telling them," she says.

According to the Stephen Lewis Foundation, thirteen million children have been orphaned by HIV/AIDS in sub-Saharan Africa and the numbers are projected to be 20 million by 2010. Every day, 1400 children die of AIDS-related illnesses and another 1500 become infected with HIV. Only 13 per cent of HIV positive children in these areas have access to the anti-retroviral treatment they need.

The Foundation assists orphans by paying school fees and providing uniforms and food. It supports grassroots organizations that provide pediatric care, trauma counselling, vocational and life skills training.

The Grandmothers to Grandmothers Campaign seeks to raise awareness and mobilize support in Canada for Africa's grandmothers.

Ms McBee is a member of a local Winnipeg group, Grands 'n' More which supports the Stephen Lewis Foundation.

A fundraising event for Ms McBee will take place on Wednesday, January 30, 2008 at Finn McCues on the second floor of the Johnson Terminal at The Forks. It begins at 5:00 pm. There will be a raffle and silent auction, and Winnipeg musician Maiko Watson will be performing. Tickets are available by calling Enid at 253-0066.



*"Grandmothers have emerged as the unrecognized heroes of Africa."*  
Stephen Lewis,  
2006

Since the launch, Canadian grandmothers have taken up the call to action and together have raised over \$2 million for the campaign. The Stephen Lewis Foundation directs these funds to community-level organizations in 14 sub-Saharan African countries that provide grandmothers with much needed support, such as food, housing grants, school fees for their grandchildren and grief counselling.

## Court of Queen's Bench Upholds Pasternak Decision

The Manitoba Human Rights Commission has successfully defended a 2006 human rights ruling.



*Amy and Jesse Pasternak at the 2006 Winnipeg "Mission Possible" Youth Conference*

The Manitoba Court of Queen's Bench has upheld the decision by Human Rights Adjudicator M. Lynne Harrison who found that the Manitoba High Schools Athletic Association's rule barring girls from trying out for their high school boys' hockey team was unreasonable sex discrimination that violated *The Human Rights Code*. Madame Justice Joan McKelvey agreed, and found that the MHSAA had not succeeded in justifying its position and dismissed all its arguments.

In October 2006, the MHSAA filed for a judicial review of Adjudicator Harrison's decision. A judicial review is a procedure where one of the parties in an administrative tribunal hearing (in this case, a Human Rights Tribunal) asks the court to review how the adjudicator interpreted the case, her jurisdiction and the fairness of the process. The MHSAA was not able to establish errors in these areas.

Executive Director of the Manitoba Human Rights Commission Dianna Scarth says, "This is another strong decision following an equally strong decision by the Adjudicator. We have always believed that Adjudicator Harrison's ruling was solidly based on the law and evidence."

Commission Legal Counsel Sarah Lugtig says that the Commission has always maintained that Amy and Jesse Pasternak had the right to question a rule that barred them from trying out for their boys' high school hockey team because there was a girls' team in the school.

In her written decision Madame Justice McKelvey dismissed the MHSAA's approach. "The opportunity to be evaluated on the basis of merit was wrongly denied by the MHSAA because of gender...they (the Pasternaks) simply wanted to be afforded a merit-based opportunity to try out and possibly compete on the West Kildonan Collegiate Institute's men's team," she wrote. She noted the clear evidence showing that the Pasternaks were competitive during the try-out sessions for the men's team in which they had been allowed to participate.

Madame Justice McKelvey found that the MHSAA was unable to establish a single justification, based on objective evidence, for refusing the girls the opportunity to try out.

With regards to damages awarded to the Pasternak twins, Madame Justice McKelvey found that the Adjudicator's award of damages in the amount of \$3500 each was supported by the evidence and should stand citing that there are many human rights cases which have awarded such damages after a finding of discrimination.